



March 6, 2009

Reply to Attn of: DL: 200-12

TO: Distribution

FROM: DL/Chief Counsel

SUBJECT: Blanket Determination Regarding Attendance at an Event to Announce
Relationship with University Associates ("UA")

On March 13, 2009, NASA Ames Research Center ("ARC") will host an event at which ARC and UA will publicly announce the December 12, 2008 execution of an enhanced use lease ("Lease"), followed by a reception (collectively, the "Event"). UA is a limited liability company, the members of which include the University of California, Santa Cruz ("UCSC") and Foothill-DeAnza Community College District. Other educational institutions, including Carnegie Mellon University, Santa Clara University and one or more campuses of the California State University system, may become members of UA. The Lease will facilitate the development of a world-class center for research, education and innovation at ARC on NASA property. This will serve NASA's mission both directly and indirectly. The new center will also provide a pipeline of students trained in science, technology, engineering and mathematics fields that NASA needs to provide its workforce of the future. Finally, the center will foster important new collaborations and partnerships in support of NASA missions.

More than 600 hundred people have been invited to the Event, including NASA personnel, UA personnel (including personnel from UA members and potential members), representatives of companies, elected officials (including Members of Congress and their staff), representatives of state and local governments, local businesses and policy groups. Approximately 150 to 250 people are expected to attend some or all of the Event. NASA personnel expected to attend will be from ARC, including some NASA employees whose duties may substantially affect UA or one or more of its members (including the potential members identified above). Although several Headquarters personnel are being invited, none is expected to attend. A buffet of light snacks and beverages of a modest cost (expected to be less than \$20 per person) will be provided by UA (or by UCSC).

Because the Event publicly announces the execution of the Lease between NASA and UA, the Lease supports NASA's overall missions, and the cost of refreshments is modest, attendance by NASA personnel is in the interests of the Government. In accordance with 5 C.F.R. §2635.204(g), and 14 C.F.R. §1207.103, Designation of Responsible Officials, I

conclude that attendance at the Event by NASA personnel is a customary and necessary part of the performance of their duties, and that the interests of NASA in having its employees attend this Event outweigh any concern that attendance may, or may appear to, improperly influence those employees in the performance of their official duties. Accordingly, NASA personnel may participate in and attend the Event.

NASA employees whose duties may substantially affect UA (or any of its current or potential members identified above), such as by way of procurement or other agreement duties, or who are in non-career positions in which the President's Executive Order of January 21, 2009 requires signing an ethics pledge, should seek an individual determination pursuant to 5 C.F.R. §2635.204(g)(3)(i) regarding participation in this Event from their local ethics counselor.

Finally, in the event that trinkets or other mementos are distributed during the course of this Event, attendees are reminded of the \$20 gift exception at 5 C.F.R. §2635.204(a) which provides that employees may accept gifts for themselves (and family members) valued at no more than \$20 per occasion. NASA invitees are reminded not to exceed the \$50 cap on gifts from any one prohibited source in a calendar year.

A handwritten signature in black ink, appearing to read 'Thomas W. Berndt', with a stylized, cursive script.

Thomas W. Berndt